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Attorneys for Defendants

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JOHN BONILLA as CHAIRMAN and GIL
CROSTHWAITE as CO-CHAIRMAN of the
BOARDS OF TRUSTEES FOR THE
OPERATING ENGINEERS HEALTH AND
WELFARE TRUST FUND, PENSION FUND
FOR OPERATING ENGINEERS, PENSIONED
OPERATING ENGINEERS HEALTH AND
WELFARE FUND, OPERATING ENGINEERS
VACATION AND HOLIDAY TRUST FUND,
NORTHERN CALIFORNIA PREAPPRENTICE,
APPRENTICE AND JOURNEYMAN
AFFIRMATIVE ACTION TRAINING FUND,
OPERATING ENGINEERS CONTRACT
ADMINISTRATION FUND FOR NORTHERN
CALIFORNIA, OPERATING ENGINEERS
INDUSTRY STABILIZATION TRUST FUND
AND OPERATING ENGINEERS MARKET
PRESERVATION TRUST FUND,

Plaintiffs,

v.

WHEAT LAND SURVEYING, INC., a California
corporation; and ROBERT WHEAT, an Individual,

Defendants.

CASE NO. C-05-4942 MEJ

**STIPULATION TO CONTINUE
DISCOVERY AND PRE-TRIAL DATES
TO FACILITATE SETTLEMENT**

JUDGE: Magistrate Judge Maria-Elena James

AND ORDER THEREON

1 IT IS HEREBY STIPULATED, BY AND BETWEEN THE PARTIES HERETO, that the
2 dates for pre-trial conference, discovery cut-off designation of lay and expert witnesses, and trial, be
3 vacated and that new dates be reset on or after January 1, 2007.

4 The parties have entered into this stipulation, through counsel, in order to facilitate the
5 completion of mediated settlement negotiations which are currently underway.

6
7 DATED: October ____, 2006

STANTON, KAY & WATSON, LLP

8
9 By: _____

James P. Watson
Attorneys for Plaintiffs

10
11 DATED: October 5, 2006

GAGEN, McCOY, McMAHON &
ARMSTRONG

12
13
14 By: _____

Patrick J. McMahon
Attorneys for Defendants

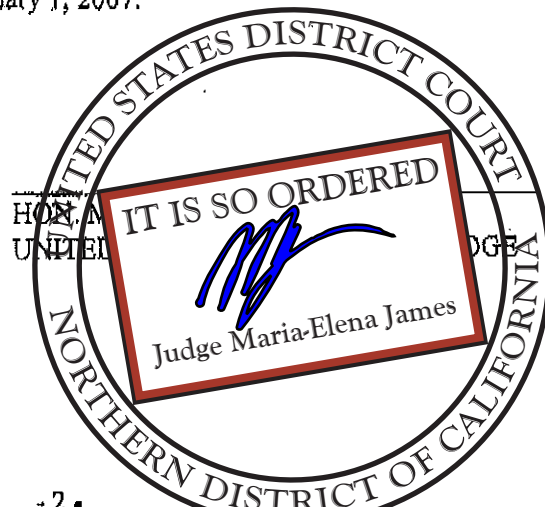
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16
17 **PROPOSED ORDER**

18 Upon reading the Stipulation of the parties, through counsel, to continue the trial
19 preparation, discovery, pre-trial conference and trial dates,

20 IT IS HEREBY ORDERED, that the current dates for these matters are vacated, and that
21 the Court will set new dates on or after January 1, 2007.

22 IT IS SO ORDERED:

23
24 DATED: October 17, 2006



1 IT IS HEREBY STIPULATED, BY AND BETWEEN THE PARTIES HERETO, that the
2 dates for pre-trial conference, discovery cut-off designation of lay and expert witnesses, and trial, be
3 vacated and that new dates be reset on or after January 1, 2007.

4 The parties have entered into this stipulation, through counsel, in order to facilitate the
5 completion of mediated settlement negotiations which are currently underway.

6
7 DATED: October 5, 2006

STANTON, KAY & WATSON, LLP

8
9 By: James P. Watson
10 James P. Watson
Attorneys for Plaintiffs

11 DATED: October ____, 2006

GAGEN, McCOY, McMAHON &
ARMSTRONG

12
13
14 By: _____
15 Patrick J. McMahon
Attorneys for Defendants

16
17 **[PROPOSED] ORDER**

18 Upon reading the Stipulation of the parties, through counsel, to continue the trial
19 preparation, discovery, pre-trial conference and trial dates,

20 **IT IS HEREBY ORDERED**, that the current dates for these matters are vacated, and that
21 the Court will set new dates on or after January 1, 2007.

22 **IT IS SO ORDERED:**

23
24 DATED: _____

25 HON. MARIA-ELENA JAMES
26 UNITED STATES MAGISTRATE JUDGE
27
28

PROOF OF SERVICE

John Bonilla; et al. v. Wheat Land Surveying, Inc.; et al.
United States District Court, Northern District of California
No. C-05-4942 MEJ

I am over the age of 18 and not a party to the within action. My business address is 101 New Montgomery Street, Fifth Floor, San Francisco, California 94105. On October 6, 2006, I served the following document(s) described as:

STIPULATION TO CONTINUE DISCOVERY AND PRE-TRIAL DATES TO FACILITATE SETTLEMENT

on the following party/parties:

Patrick J. McMahon, Esq.

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Attorney for Defendants

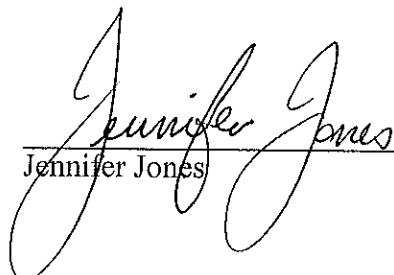
Wheat Land Surveying, Inc.

____ (COURIER SERVICE) by placing a true copy thereof enclosed in a sealed envelope, with delivery fees provided for, for pick up at this office and overnight delivery by Golden State Overnight courier service.

____ (E ELECTRONIC MAIL) on the party(ies) named above in this action by sending via e-mail to the e-mail address above, a true copy thereof following ordinary business practices. After transmission of the document, the email software indicated the document had been sent complete and without error. The transmission report was properly issued by the software and the original transmission report is attached to the original proof of service.

X (BY MAIL) with postage thereon fully prepaid in the designated area for outgoing mail. I am readily familiar with STANTON, KAY & WATSON's practice of collection and processing correspondence whereby mail is sealed, given the appropriate postage and placed in a designated mail collection area. Each day's mail is collected and deposited with the United States Postal Service after the close of each business day. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct and that this Declaration is executed on June 23, 2006 at San Francisco, California.


Jennifer Jones